

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Swetlic Chiropractic & :
Rehabilitation Center, Inc.,

Plaintiff, :

v. :

Case No. 2:17-cv-100

Trigenics Health Group, Inc., :
et al.,

Defendants. :

JUDGE ALGENON L. MARBLEY
Magistrate Judge Kemp

ORDER

The docket reflects that the complaint has been served upon the defendants, that the time for filing an answer has passed, and that plaintiff has not moved for the entry of default.

Local Rule of Court 55.1 provides as follows:

55.1 DEFAULTS and DEFAULT JUDGMENTS

(a) If a party makes proper service of a pleading seeking affirmative relief but, after the time for making a response has passed without any response having been served and filed, that party does not request the Clerk to enter a default, the Court may by written order direct the party to show cause why the claims in that pleading should not be dismissed for failure to prosecute.

(b) If a party obtains a default but does not, within a reasonable time thereafter, either file a motion for a default judgment or request a hearing or trial on the issue of damages, the Court may by written order direct the party to show cause why the claims upon which default was entered should not be dismissed for failure to prosecute.

(c) Nothing in this Rule shall be construed to limit the Court's power, either under Fed.R.Civ.P. 41 or otherwise, to dismiss a case or to dismiss one or more claims or parties for failure to prosecute.

Pursuant to that Rule, plaintiff is directed to show cause

within 14 days from the date of this order why this action should not be dismissed. The motion shall be accompanied, if appropriate, by a request to enter default pursuant to Fed. R. Civ. P. 55, and a separate motion for default judgment.

/s/ Terence P. Kemp
United States Magistrate Judge